

REMARKS

In accordance with the foregoing, claims 35 and 46 have been amended. Claims 47-49 have been added. Claims 35-39, 41-42, and 44-49 are pending and under consideration.

I. Objection to the Specification

In the Office Action, at page 3, numbered paragraph 6, claim 46 was objected to due to an informality. Claim 46 has been amended in response to this objection. Accordingly, withdrawal of the objection is respectfully requested

II. Rejection under 35 U.S.C. § 102

In the Office Action, at pages 3-5, numbered paragraphs 7-8, claims 35-39 and 41-46 were rejected under 35 U.S.C. § 102(b) as anticipated by Sugaya (U.S. Patent No. 5,995,274).

Sugaya does not discuss or suggest:

a gain-equalizer positioned after each optical amplification medium, and equalizing the gain-characteristic of the optical amplification mediums, each gain-equalizer equalizing each output light of the preceding optical amplifier medium and passing light with a predetermined wavelength band, the light of the predetermined wavelength band having flat optical power characteristics,

as recited in claim 35. In other words, the invention of claim 35 provides for optical gain equalizers that *flatten the optical power* of light output from the preceding optical amplification medium *in a predetermined wavelength band*. Sugaya, as relied upon by the Examiner, discloses a plurality of combinations of optical amplifiers and attenuators. However, Sugaya does not provide for flattening the optical power of output light from preceding amplifiers *in a predetermined wavelength*.

Therefore, Sugaya does not discuss or suggest:

a gain-equalizer positioned after each optical amplification medium, and equalizing the gain-characteristic of the optical amplification mediums, each gain-equalizer equalizing each output light of the preceding optical amplifier medium and passing light with a predetermined wavelength band, the light of the predetermined wavelength band having flat optical power characteristics,

as recited in claim 35, so that claim 35 patentably distinguishes over Sugaya. Accordingly, withdrawal of the § 102 rejection is respectfully requested.

Sugaya does not discuss or suggest:

a gain-equalizer positioned after each optical amplification medium, and equalizing the gain-characteristics of the optical amplification medium, each gain-equalizer equalizing each output light of the preceding optical amplifier medium and passing light with a predetermined wavelength band, the light of the predetermined wavelength band having flat optical power characteristics,

as recited in claim 46, so that claim 46 patentably distinguishes over Sugaya. Accordingly, withdrawal of the § 102 rejection is respectfully requested.

Claims 36-39, 41-42, and 44 depend either directly or indirectly from claim 35, and include all the features of claim 35, plus additional patentable features that are not discussed or suggested by the reference relied upon. Therefore, claims 36-39, 41-42, and 44 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 102 rejections is respectfully requested.

Claim 43 was previously cancelled. Claim 45 has been newly cancelled. Accordingly, withdrawal of these § 102 rejections is respectfully requested.

III. New Claims

New claims 47-49 have been added. None of references cited by the Examiner discuss or suggest:

a plurality of optical gain-equalizers respectively positioned after each optical amplification medium for equalizing each output light of the preceding optical amplification medium and outputting a subsequent output light, of a predetermined wavelength band, having substantially flat power characteristics,

as recited in new claim 47. Therefore, claim 47 patentably distinguishes over the references cited. Thus, it is submitted that claim 47 is in a condition suitable for allowance.

Claim 48 depends directly from claim 47, and includes all the features of claim 47, plus additional patentable features that are not discussed or suggested by the references relied upon. Therefore, claim 48 patentably distinguishes over the references relied upon for at least the reasons noted above. Thus, it is submitted that claim 48 is in a condition suitable for allowance.

None of references cited by the Examiner discuss or suggest:

equalizing each output light of a preceding optical amplification medium and outputting a subsequent output light, of a predetermined wavelength band, having substantially flat power characteristics;

as recited in new claim 49. Therefore, claim 49 patentably distinguishes over the references cited. Thus, it is submitted that claim 49 is in a condition suitable for allowance.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 11-29-07

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